

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRUCE KEITHLY, DONOVAN LEE, and)
EDITH ANNA CRAMER, Individually and on)
Behalf of all Others Similarly Situated,)
Plaintiff,)
v.)
INTELIUS, INC., A Delaware Corporation; and)
INTELIUS SALES, LLC, A Nevada Limited)
Liability Company,)
Defendants.)

No. C09-1485RSL

DECLARATION OF MARK A. GRIFFIN
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION FOR (1) TEMPORARY STAY
OF DISCOVERY AND (2)
CONDITIONAL REQUEST FOR
BIFURCATION OF DISCOVERY

Pursuant to 28 U.S.C. § 1746, I, Mark A. Griffin, declare as follows:

1. I am Counsel representing the Plaintiff Class in this matter and am licensed to practice in this State. I make this Declaration based on personal knowledge and am competent to testify to the matters set forth herein.

2. On April 23, 2010, my co-counsel, Karin Swope, and I conducted a Rule 37 conference by telephone with Chris Wion, one of the attorneys representing Defendant in this matter. At the beginning of this conference, I asked Mr. Wion why his client had not told the Court that they wanted a stay of discovery pending the Court's ruling on their motion to dismiss in the Joint Status Report. He did not provide any explanation other than to say that the decision was "not strategic."

3. During the Rule 37 conference, Plaintiffs tried to resolve the discovery disputes that form the basis of Defendant's motion by offering a compromise designed to address some of Defendant's concerns while allowing Plaintiffs to begin the discovery process. Although Defendant rejected this offer, Plaintiffs remain willing to postpone the deadline for Intelius' substantive responses to Plaintiffs' first requests for production of documents until after the Court's ruling on the pending motion to dismiss provided that Intelius provide copies of the documents already produced in a related case in the Central District of California, *Baxter v. Intelius Inc., et al.*, Case No. 09-01031-AG-RSM, and to the Washington Attorney General's office pursuant to an investigation for the very same post-marketing transactions at issue in this case. Attached as Exhibit A to this Declaration is a true and correct copy of the email exchange with Mr. Wion memorializing this compromise offer.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated this 10th day of May, 2010 at Seattle, Washington.

/s/Mark A. Griffin
Mark A. Griffin, WSBA #16296

DECLARATION OF MARK A. GRIFFIN IN OPPOSITION
TO PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION
FOR (1) TEMPORARY STAY OF DISCOVERY AND (2)
CONDITIONAL REQUEST FOR BIFURCATION OF DISCOVERY
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CERTIFICATE OF SERVICE

2 I hereby certify that on May 10, 2010, I caused to be served a true and correct copy of the
 3 DECLARATION OF MARK A. GRIFFIN IN SUPPORT OF PLAINTIFFS' OPPOSITION TO
 4 DEFENDANTS' MOTION FOR (1) TEMPORARY STAY OF DISCOVERY AND (2)
 5 CONDITIONAL REQUEST FOR BIFURCATION OF DISCOVERY on the following
 6 recipients via the method indicated:

7 Arthur W. Harrigan, Jr., WSBA #1751
 8 Tyler Farmer, WSBA #39912
 9 DANIELSON HARRIGAN LEYH &
 TOLLEFSON, LLP
 999 Third Avenue, Suite 4400
 10 Seattle, Washington 98104
 Telephone: (206) 623-1700

- Via ECF
- Via Hand Delivery
- Via U.S. First Class Mail
- Via facsimile to (206) 623-8717
- Via email to:
 arthurw@dhlt.com; and
 tylerf@dhlt.com

11 *Attorneys for Intelius, Inc and
 12 Intelius Sales, LLC*

13 DATED this 10th day of May, 2010.

16 /s/ Mark A. Griffin
 17 Mark A. Griffin